

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

GEOTAG INC.,

Plaintiff,

v.

**FRONTIER COMMUNICATIONS
CORPORATION, et al.,**

Defendants

2:10-cv-00265

CONSOLIDATED ACTION

DOCKET CONTROL ORDER

In accordance with the scheduling conference held in this case, it is hereby ORDERED that the following schedule of deadlines is in effect until further order of this Court:

December 2, 2013	*Jury Selection – 9:00 a.m. in Marshall, Texas
November 20, 2013	*Pretrial Conference – 9 a.m in Marshall, Texas
November 11, 2013 [3 Weeks Before Jury Selection]	*Notify Court of Agreements Reached During Meet and Confer The parties are ordered to meet and confer on any outstanding objections or motions <i>in limine</i> . The parties shall advise the Court of any agreements reached no later than 1:00 p.m. three (3) business days before the pretrial conference.
November 11, 2013 [3 Weeks Before Jury Selection]	*File Joint Pretrial Order, Proposed Jury Instructions, Proposed Verdict Form, and Responses to Motions <i>in Limine</i>
November 4, 2013 [4 Weeks Before Jury Selection]	*File Notice of Request for Daily Transcript or Real Time Reporting. If a daily transcript or real time reporting of court proceedings is requested for trial, the party or parties making said request shall file a notice with the Court and e-mail the Court Reporter, Susan Simmons, at lssimmons@yahoo.com.

October 28, 2013 [5 Weeks Before Jury Selection]	File Motions <i>in Limine</i> The parties shall limit their motions <i>in limine</i> to issues that if improperly introduced at trial would be so prejudicial that the Court could not alleviate the prejudice by giving appropriate instructions to the jury.
October 28, 2013 [5 Weeks Before Jury Selection]	Serve Objections to Rebuttal Pretrial Disclosures
October 21, 2013 [6 Weeks Before Jury Selection]	Serve Objections to Pretrial Disclosures; and Serve Rebuttal Pretrial Disclosures
October 14, 2013 [7 Weeks Before Jury Selection]	Serve Pretrial Disclosures (Witness List, Deposition Designations, and Exhibit List) by the Party with the Burden of Proof
September 23, 2013 [9 Weeks Before Jury Selection]	*File Dispositive Motions or Motions to Strike Expert Testimony (including <i>Daubert</i> Motions) No dispositive motion or motion to strike expert testimony (including a <i>Daubert</i> motion) may be filed after this date without leave of the Court.
September 23, 2013 [9 Weeks Before Jury Selection]	Deadline to Complete Expert Discovery
September 9, 2013 [12 Weeks Before Jury Selection]	Serve Disclosures for Rebuttal Expert Witnesses
July 29, 2013 [18 Weeks Before Jury Selection]	Deadline to Complete Fact Discovery and File Motions to Compel Discovery
July 29, 2013 [18 Weeks Before Jury Selection]	Serve Disclosures for Expert Witnesses by the Party with the Burden of Proof
July 15, 2013 [20 Weeks Before Jury Selection]	*Deadline to File Letter Briefs Regarding Dispositive Motions

June 17, 2013	Deadline to supplement infringement contentions as set forth in Paragraph 3(a) of the Court's Discovery Order (for source code produced by the opposing party or provided to GeoTag by a third-party on or before April 15, 2013).
30 days from the claim construction order	Deadline to Complete Mediation
April 15, 2013 [60 days After Claim Construction Hearing]	Deadline to Substantially Complete Document Production Counsel are expected to make good faith efforts to produce all required documents as soon as they are available and not wait until the substantial completion deadline.
March 5, 2013 [3 Weeks After Claim Construction Hearing]	Comply with P.R. 3-7 (Opinion of Counsel Defenses)
February 12, 2013	*Claim Construction Hearing – 9:00 a.m. in Marshall, Texas

(*) indicates a deadline that cannot be changed without showing good cause. Good cause is not shown merely by indicating that the parties agree that the deadline should be changed.

ADDITIONAL REQUIREMENTS

Notice of Mediators: On or before February 11, 2013, the parties are to jointly file a notice that identifies the agreed upon mediators or indicates that no agreement was reached. If the parties do not reach an agreement, the parties should provide guidance to the Court regarding their positions on mediators in their joint filing, and the Court will then appoint mediators.

Summary Judgment Motions: Prior to filing any summary judgment motion, the parties must submit letter briefs seeking permission to file the motion. The opening letter brief in each of those matters shall be no longer than five (5) pages and shall be filed with the Court no later than the deadline for filing letter briefs. Answering letter briefs in each of those matters shall be no longer than five (5) pages and filed with the Court no later than fourteen (14) days thereafter. Reply briefs in each of those matters shall be no longer than three (3) pages and filed with the Court no later than five (5) days thereafter. The Court may decide the question on the submissions or hold a hearing or telephone conference to hear arguments and to determine whether the filing of any motion will be permitted. Letter briefs shall be filed without exhibits. Any requests to submit letter briefs after the deadlines outlined above must show good cause.

Indefiniteness: In lieu of early motions for summary judgment, the parties are directed to include any arguments related to the issue of indefiniteness in their *Markman* briefing, subject to the local rules' normal page limits.

Form of the Pretrial Order and Pretrial Disclosures: The Court will issue a standing order governing the form of the pretrial order and pretrial disclosures at least four months prior to trial. The parties may obtain a copy of the order from the Court's website at that time.


Motions for Continuance: The following excuses will not warrant a continuance nor justify a failure to comply with the discovery deadline:

- (a) The fact that there are motions for summary judgment or motions to dismiss pending;
- (b) The fact that one or more of the attorneys is set for trial in another court on the same day, unless the other setting was made prior to the date of this order or was made as a special provision for the parties in the other case;
- (c) The failure to complete discovery prior to trial, unless the parties can demonstrate that it was impossible to complete discovery despite their good faith effort to do so.

IT IS SO ORDERED.

So Ordered and Signed on this

Feb 26, 2013



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE